

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application. Claim 1 has been amended. Claims 5-6, 9-11 and 14-20 have been cancelled without prejudice or disclaimer, and Applicants reserve the right to pursue said claims in subsequent divisional applications.

**Listing of Claims:**

1. (Currently Amended) An Equine Herpes Virus wherein the nucleotide sequence encoding a protein gM is at least [70%] 80% absent and wherein the expression of the gene coding for the UL9 homolog (gene 53) is not affected.
2. (Original) An Equine Herpes Virus, wherein the nucleotides 93254 to 94264 as numbered for the virus strain EHV-1 Ab4p or corresponding thereto in other EHV strains are deleted.
3. (Original) The Equine Herpes Virus according to any one of claims 1 or 2 further comprising one or more heterologous genes.
4. (Original) The Equine Herpes Virus (EHV) according to claim 1 or 2, wherein said virus is a type 1 or type 4 EHV.
5. (Cancelled)
6. (Cancelled)
7. (Original) A pharmaceutical composition comprising the Equine Herpes Virus according to any one of claims 1 or 2; and a pharmaceutically acceptable carrier.
8. (Original) A kit comprising in one or more containers: (a) isolated wild type protein gM; (b) the Equine Herpes Virus according to any one of claims 1 or 2; and (c) antibodies that specifically bind the wild type protein gM or the Equine Herpes Virus according to any one of claims 1 or 2.
9. (Cancelled)
10. (Cancelled)
11. (Cancelled)

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12. (Original) A pharmaceutical composition comprising the Equine Herpes Virus according to claim 3; and a pharmaceutically acceptable carrier.
13. (Original) A pharmaceutical composition comprising the nucleic acid according to claim 5; and a pharmaceutically acceptable carrier.
14. (Cancelled)
15. (Cancelled)
16. (Cancelled)
17. (Cancelled)
18. (Cancelled)
19. (Cancelled)
20. (Cancelled)